



050604
U.S. PTO

Practitioner's Docket No. 006349.00009

PATENT

Preliminary Classification:

Proposed Class:

Subclass:

19270 U.S. PTO
10/840064



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Kelly W. Buchner

For (title): Procedure and Machine for Electro-Inducing/Stimulating Deep Layered Muscle Contractions Using a Biphasic Faradic Pulse Sequence

1. Type of Application

This application is for a continuation.

{373634;}

EXPRESS MAILING UNDER 37 C.F.R. § 1.10*

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2. Benefit of Prior U.S. Application (35 U.S.C. §§ 119(e), 120, or 121)

The new application being transmitted claims the benefit of prior U.S. application. Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

3. Papers Enclosed

A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

24 Page(s) of Specification
1 Page(s) of Claims
10 Sheet(s) of Drawing(s)--Formal

B. Other Papers Enclosed

2 Page(s) of declaration and power of attorney (copy as originally filed)
1 Page(s) of abstract

4. Additional Papers Enclosed

Preliminary Amendment

Information Disclosure Statement (37 C.F.R. § 1.98)

Form PTO-1449 (PTO/SB/08A and 08B)

Citations (not enclosed – previously provided in parent application)

5. Declaration or Oath

Enclosed (copy of Declaration filed in parent application)

Executed by:

* inventor.

6. Inventorship Statement

The inventorship for all the claims in this application is the same.

7. Language

English

8. Assignment

This application is assigned to Kelly W. Buchner (copy attached).

9. Fee Calculation (37 C.F.R. § 1.16)

| Regular Application | | | | | | | | | |
|--|--------------|---|--------------|---|--|------|--|------|------|
| CLAIMS AS FILED | | | | | | | | | |
| | Number Filed | | Number Extra | | Rate | | Basic Fee 37 C.F.R. § 1.16(a) \$770.00 | | |
| Total Claims (37 C.F.R. § 1.16(c)) | 11 | – | 20 | = | 0 | x \$ | 18.00 | = \$ | 0 |
| Independent Claims (37 C.F.R. § 1.16(b)) | 2 | – | 3 | = | 0 | x \$ | 86.00 | = \$ | 0* |
| Multiple Dependent Claim(s), if any (37 C.F.R. § 1.16(d)) | | | | | | | \$ 290.00 | \$ | 0.00 |
| Filing Fee Calculation | | | | | \$770.00 Regular Filing Fee Calculation*** | | | | |

10. Assertion of Small Entity Status

Applicant hereby asserts status as a small entity under 37 C.F.R. § 1.27.
Status as a small entity was asserted in the prior application 10/131,376 filed on April 24, 2002 from which benefit is being claimed for this application under 35 U.S.C. § 120 and which status as a small entity is still proper and asserted for this application.

Filing Fee Calculation (50% of above Filing Fee Calculation) \$385.00

11. Fee Payment Being Made at This Time

Enclosed

Filing Fee \$385.00

Total Fees Enclosed \$385.00

12. Method of Payment of Fees

Attached is a check in the amount of \$385.00.
Charge any additional fees required by this paper or credit any overpayment to deposit account No. 50-1971.

13. Authorization to Charge Additional Fees

The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.

37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

37 C.F.R. § 1.16(b), (c) or (d) (presentation of extra claims)

37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))

14. Instructions as to Overpayment

Credit Account No. 50-1971.

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.
APPLICATION CLAIMED
(37 C.F.R. § 1.78)**

15. Relate Back

Amend the specification by inserting, before the first line following the title, the following sentence:

B. 35 U.S.C. Sections 120, 121 and 365(c)

"This application is a continuation of Application Number 10/131,376, filed on April 24, 2002."

16. Maintenance of Copendency of Prior Application

n/a

17. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- (a) This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor in this application is the same.

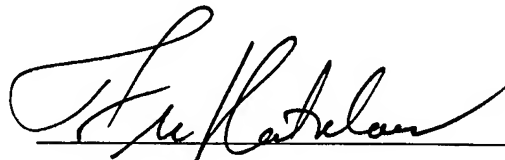
18. Small Entity (37 C.F.R. § 1.28(a))

Applicant has established small entity status by the filing of a statement in parent application 10/131,376 on April 24, 2002.

19. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

A notification of the filing of this continuation is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.

Date: 5/6/04



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